

13281 U.S. PTO  
123103

Patent  
Attorney's Docket No. 034011-006

31353 U.S. PTO  
10/748231  
123103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL  
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No. 21839

Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 09/840,726 filed on April 25, 2001, for AN ACCURATE POSITIONER SUITABLE FOR SEQUENTIAL AGILE TUNING OF PULSE BURST AND CW LASERS, by the following named inventor(s):

- (a) Full Name J. Gilbert Tisue \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

☒ The entire disclosure of the prior application including the declaration is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

- (a) Full Name \_\_\_\_\_  
(b) Full Name \_\_\_\_\_  
(c) Full Name \_\_\_\_\_

- [X] Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.
- [ ] Applicant(s) requests that the published application include the following assignment information:   .
1. [X] Enclosed is a copy of the prior Application No. 09/840,726 as originally filed on April 25, 2001, including copies of the specification, claims, and drawings.
  2. [ ] Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
  3. [X] Small entity status is hereby claimed.
  4. [X] The filing fee is calculated below [X] and in accordance with the enclosed preliminary amendment:

C L A I M S					
	No. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$770.00 (1001)
Total Claims	22	MINUS 20 =	2	× \$18.00 (1202) =	36.00
Independent Claims	4	MINUS 3 =	1	× \$86.00 (1201) =	86.00
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					892
If small entity status is claimed, subtract 50% of Total Application Fee					446.00
Add Assignment Recording Fee of \$ <u>\$40.00 (8021)</u> if Assignment document is enclosed					
<b>TOTAL APPLICATION FEE DUE</b>					<b>446.00</b>


5. [ ] This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. [X] Charge \$ 446.00 to Deposit Account No. 02-4800 for the fee due.
7. [ ] A check in the amount of \$            is enclosed for the fee due.
8. [X] The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. [X] Cancel in this application original claims 1-5 and 15-22 of the prior application before calculating the filing fee.

10. ☐ New drawings are enclosed.
11. ☐ Priority of Application No. \_ filed on \_ in \_ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on \_ in prior Application No. \_, filed on \_, and acknowledged by the Examiner on \_ in Paper No. \_.
- ☐ has not yet been filed.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☐ Also enclosed \_.
16. ☒ The power of attorney in the prior application is to \_.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney \_.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
Customer Number: **2 1 8 3 9**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404

Date: December 23, 2003

By:

  
Claude A.S. Hamrick  
Registration No. 22,586

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
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- ☐ inventor(s)  
☐ assignee of complete interest  
☒ attorney or agent of record  
☐ filed under 37 C.F.R. § 1.34(a)